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ABSTRACT

New York State's prisons today are a brooding omnipresence hanging over poor African American and Latino communities in the large urban centers of the state. On any given day, nearly 1 in 4 (over 23%) of young African American men is under control of the criminal justice system, which is 2 times more than all full-time Black male college enrollees in New York State. Eleven percent of Black males between the ages of 20 and 29 years are jailed. The situation is almost as dramatic for Hispanic Americans, with 12% of young Latino men under some form of criminal justice custody, and about 6 percent of 20- to 29-year-old Latino males in jail. By contrast, less than three percent of young White men are under the criminal justice system. Two primary reasons for the larger percentages of African Americans and Latinos under the criminal justice system are the deployment of law enforcement resources, and the significant social and economic problems undermining many poor minority communities. For the most part, government has not addressed these conditions. Instead, resources have been concentrated on building more prisons and filling them. Of the more than 54,000 prisoners in the state system, 82% are African American or Latino. Prison is the last step on the continuum of injustice for minority youth that literally starts before birth. Fifteen figures illustrate the discussion, using data derived from various state agencies. (SLD)

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IMPRISONED GENERATION

Young Men Under Criminal Justice Custody In New York State

A Report By

The Correctional Association of New York

&

New York State Coalition for Criminal Justice

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Founded in 1844, the Correctional Association of New York is a private, non-profit citizens organization that does policy analysis and advocacy around criminal justice issues. The Association is the only private organization in the State that has legislative authority to visit prisons and to report its findings and recommendations for improvement to the public and policymakers.

The New York State Coalition for Criminal Justice was founded after the prisoner uprising at Attica Correctional Facility in 1971. Sponsored by church and community-based organizations, the Coalition has worked in opposition to the death penalty and for a more humane and effective criminal justice system.

In February 1990 The Sentencing Project released Young Black Men and the Criminal Justice System: A Growing National Problem, a report that examined national figures on the impact of the criminal justice system on young males. After reading that study, the Correctional Association of New York and the New York State Coalition for Criminal Justice began the research which led to the publication of this document focusing on similar data for New York State.

Credit for motivating us to prepare Imprisoned Generation must also be given to Ron Harris who wrote 'Blacks Feel Brunt of Drug War', an article that appeared in the Los Angeles Times on April 22, 1990. That article helped, in particular, to shape the 'Law Enforcement Strategies' section of this report.

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"The whole law and order movement that we have heard so much about is -- in operation -- anti-black and anti-underclass. Not in plan, not in design, not in intent, but in operation."

- Prof. Norval Morris, former dean of the University of Chicago Law School

WHERE HAVE ALL THE YOUNG MEN GONE

New York's prisons today are a brooding omnipresence hanging over poor African-American and Latino communities in the large urban centers of the State. As college has represented hope and opportunity for the white middle and working classes, so the fact that most of its young men will eventually be locked up has concretely represented and reinforced the profound bleakness pervading many minority neighborhoods.

We base this judgement on the results of our research into the demographics of young males under criminal justice custody -- in prison or jail or on probation or parole -- in New York State.

MAJOR FINDINGS

On any given day, nearly 1 in 4 (over 23 percent) young African-American men is under the control of the criminal justice system in New York -- two times more than all full-time Black male college enrollees in the State.

Young African-American men are more than 23 times more likely to be locked up in New York State than young White men.

On any given day, eleven percent of New York's Black males between the ages of 20-29 are confined in a state prison or local jail.

The situation is almost as dramatic for the Latino population in this State. Twelve (12) percent of young Latino men are under some form of criminal justice custody in New York, more than all full-time Latino male college enrollees in the State. Young Latino men are 11 times more likely to be incarcerated in New York State than young White men. About 6% of New York's Latino men between the ages of 20-29 are confined in a state prison or local jail.

By contrast, less than 3% of young White men in New York State is under some form of criminal justice custody, less than 1/5 of all full-time White male college enrollees in the State.

CRIMINAL JUSTICE CONTROL RATES FOR MALES (20-29)
New York State

GROUP	UNDER CUSTODY*	GENERAL POPULATION	% UNDER CUSTODY
WHITE	34,108	1,243,189	2.7%
BLACK	44,759	193,222	23.2%
HISPANIC	19,721	163,574	12.0%
TOTAL	98,588	1,599,985	6.2%

*In prison or jail or on probation or parole

The charts in the back of this report present in full the statistics uncovered by our research.

Punishment Levels for the Three Racial Groups

The sanctions for African-American and Latino young men in New York are likely

to be more severe than the sanctions for young White men. There are more African-American and Latino young men in state prison than on felony probation in New York. There are three times more young White men on felony probation than in state prison.

The penalties for African-American and Latino young male offenders in New York are more likely to be on the harsh end of the punishment spectrum. Forty-eight (48%) percent of young minority male offenders are in prison or jail, whereas only 16% of young Black male offenders and 10% of their Latino counterparts are on misdemeanor probation.

The punishment for young white male offenders in New York is more likely to be on the least punitive end -- forty-eight percent (48%) are on misdemeanor probation, whereas only 18% are confined in prison or jail.

Without researching the actual offenses and criminal histories of New York's young male offenders, we cannot determine that the data on punishment levels demonstrate conclusively that New York's sentencing practices are, by themselves, unfair to minorities. Nevertheless, given the striking disparities -- 48% of African-American and Latino young male offenders are locked up, whereas the same percentage of their White counterparts get misdemeanor probation -- we thought it important to highlight the differences and to raise the question of possible racial inequities in the State's sentencing practices.

Special Note

The figures in this report understate the actual impact of New York's criminal justice system on young men. The analysis here counts the number under custody on a single day. Because each criminal justice agency receives and releases people every day throughout the year, the number of persons processed through the system on an annual basis is much greater than single day counts. **So, for example, the proportion of young Black men under criminal justice control during the course of the year in New York is significantly higher than 23 percent.**

THE CONTRIBUTING FACTORS

In our view, there are two primary reasons that larger percentages of African-Americans and Latinos than Whites are under criminal justice custody: The deployment of law enforcement resources and the significant social and economic problems undermining many poor minority communities.

Law Enforcement Strategies

> "Separate studies by the FBI and The National Institute for Drug Abuse in 1988 came to the identical conclusion that blacks make up only 12% of the nation's drug users. Studies of those who consume drugs, in.fact, show slightly lower percentages of blacks and Latinos than whites in every age category."
> "Blacks Feel Brunt of Drug War" April 22, 1990, Los Angeles Times

A principal factor contributing to the disproportionate involvement of minorities in New York's criminal justice system is how government deploys its law enforcement resources in the war against drugs. Although New York State's prison population has been increasing steadily over the last seventeen years, it has taken an unprecedented jump in the last several years mainly because of the criminal justice system's concentration on apprehending, convicting, and imprisoning drug offenders. In 1983, for example, 1,567 people were sent to the State's prisons for the sale or possession of drugs. By 1989 that number had risen to 9,762, an increase of over 600%.

Most of these new prison commitments for drug offenses, over 90% in fact, were Black or Latino. The question must be raised here: Why, if it is true as stated in the Los Angeles Times article cited above, "that whites sell most of the nation's cocaine and account for 80% of its consumers" are our courts and prisons filled with people of color?

The federal drug czar William Bennett has said, "The typical cocaine user is white, male, a high school graduate employed full time, and living in a small metropolitan area or suburb."

Another way to put the question is: If larger numbers of Whites participate in using and dealing drugs, why are our law enforcement efforts focused mainly on poor Black and Latino areas? In New York City, for example, the Tactical Narcotics Teams, the special TNT police squads developed to do drug sweeps and undercover buy and bust operations, have been sent almost solely into such communities.

There seem to be several reasons for this concentration of law enforcement resources. Much of the White drug activity takes place behind the closed doors of corporate offices and suburban living rooms. By contrast, much of the drug trade in minority neighborhoods is carried out on the streets where it is much easier to make arrests.

In addition, there is probably more violence involved in the drug trade in our low income, inner city communities. The drug trade there is more visible, more disruptive to the stability of the community and, therefore, there is a greater call for a police response.

Finally, White middle and upper class people involved in drugs often have the resources and political influence to resist law enforcement attempts to punish them. Well-paid, high-powered attorneys are just one of the means such people can use to derail the effective prosecution of their crimes.

The April 22, 1990 Los Angeles Times article quoted Commander Charles Ramsey, who supervises the Chicago Police Department's Narcotics Division and who might very well have been speaking for urban police leaders everywhere: "There is as much cocaine in the Sears Tower or in the Stock Exchange as there is in the black community. But

those guys are harder to catch. Those deals are done in office buildings, in somebody's home, and there is not the violence associated with it that there is in the black community. But the guy standing on the corner, he's almost got a sign on his back. These guys are just arrestable."

Underlying Social and Economic Factors

In addition to law enforcement strategies, there are powerful and debilitating social and economic trends contributing to the harsh realities reflected by the criminal justice statistics cited in this report. We will focus our brief description of these trends on New York City where 70% of the State's prisoners come from.

Many minority communities in New York City have been effectively 'destabilized' by social forces beyond their control. Dilapidated housing and broken families have become the virtual norm, with few, if any, community-based organizations providing structure in the lives of the young people living there.

The poverty afflicting these areas is sometimes extreme and the children suffer the most from this condition. 80% of the City's 1.7 million poor people are African-American and Latino and 85% of the City's 700,000 poor children are minorities. In fact, 44.3% of all African-American children in New York City are poor, as are 56.7% of all the City's Latino children.

Many of these poor minority youngsters don't receive an adequate education from the City's public schools. Evidence of the system's failure: The high school drop out rate for African-American and Latino youths in New York City ranges from 50-70%.

It is very difficult for these teenagers who have not finished high school to find employment. Since 1979, as the City continued its shift from an industrial to a service

oriented economy, New York's metropolitan area has lost over 300,000 manufacturing jobs -- in other words the labor market for unskilled and low skilled workers has evaporated. It is not surprising, then, that the unemployment rate for African-American and Latino youngsters from the City's poor areas is over 50%.

It also should not surprise us that the majority of street crimes, the crimes the public fears the most, is committed by young men who are out of work and out of school and who come from the severely disadvantaged inner city communities of New York. With no discernible role in mainstream society, many of these young men see no other options for themselves and have been trained to do little else.

We have painted a grim and disturbing picture. Again, an important question comes to mind: What has government done to address these difficult issues?

THE GOVERNMENT RESPONSE

There has been no domestic Marshall Plan mounted to wage war on these terrible problems. For the most part, government has avoided making the resource and planning investments needed to significantly improve the social and economic conditions of poor people. In fact, in some important areas, there have been drastic cuts in recent years.

For example, the budget for New York City's Department of Employment went from $500 million in 1982 to $78 million in 1989. From 1981-89 the loss to the City of federal aid for housing, on an inflation adjusted basis, was $14.3 billion, a staggering sum.

At the New York State level, there was a dramatic shift in the use of the financing authority of the Urban Development Corporation (UDC).

Under the leadership of then Governor Nelson Rockefeller, New York State established UDC in 1968. The new entity was seen as a memorial to the recently assassinated Dr. Martin Luther King Jr. because it would create housing for poor people.

More recently, under the leadership of Governor Mario Cuomo, New York State has authorized UDC to issue bonds totaling $2.1 billion for the purpose of new prison construction -- housing for poor people of an altogether different kind than was originally intended.

PRISON AND JAIL EXPANSION AND THE COSTS

Government has not initiated the major effort needed to get at the root of the corrosive ills plaguing society. Instead, government has concentrated its resources on building more prisons and jails and filling them mainly with poor African-American and Latino young men.

In 1973 New York had 12,500 people in its state prison system. Today that number has reached over 54,000 -- more than a 400% increase. 82% of these prisoners are African-American and Latino.

This trend has been very expensive to New York State taxpayers. In this fiscal year, New York will spend roughly $3 billion to cover the state prison system's operating and construction costs -- that is about $8 million a day.

The number of inmates in New York City's jails has also exploded, going from 7,000 in 1980 to about 20,000 today. About 95% of the City's prisoners are African-American and Latino. This has also been a very expensive proposition: It costs about $58,000 a year to keep one inmate in a City jail; the cost to construct some City jails runs about $200,000 per cell.

It is important to note that all this prison and jail expansion, with its concomitant operating and construction costs, has had no visible effect on New York's drug trade or crime rate. In fact, despite extensive prison and jail expansion, the crime problem has grown worse in recent years. For example, the number of violent crimes committed in New York State grew from 161,216 in 1983 to 196,058 in 1988, over a 20% increase.

THE ROLE OF PRISONS

Prison expenditures have diverted government monies away from programs that would have greater success in reducing crime and in improving the quality of life among New York's poor citizens. In recent years, during a time marked generally by fiscal constraints, the corrections budgets at both the City and State levels have grown faster than the budgets for any other government agency.

There has not been enough money for remedial education, for housing for the homeless, for AIDS care, for drug treatment, for mental health programs, for our libraries, subways, and even for the police. For instance, since 1970 New York City has reduced its police force by 6,000 officers, while increasing the number of corrections personnel by nearly 10,000. In recent years, as shown by these contrasting figures, there always has been enough money available to build and run new prisons and jails.

More disturbing than the fact that prisons divert funds from useful social programs is that prisons have come to represent the government's principal response to the very serious difficulties confronting our State. Prisons are the dumping ground for social and economic problems like unemployment, dysfunctional families, and drug and alcohol abuse, that could be handled more effectively, more compassionately, and less expensively through well-run community-based programs.

It is no accident that our correctional facilities are filled with African-American and

Latino youths out of all proportion to their numbers in the general population. Prisons are now the last stop along a continuum of injustice for these youths that literally starts before birth: no pre-natal care, poor health care, substandard housing, dirty streets, failing schools, drugs, joblessness, discriminatory deployment of police, and prison.

Until we reverse these trends, until we develop different approaches in our fight against drug abuse, crime and social injustice will remain the most serious domestic problems confronting us. And we will continue to fill our jails and prisons with African-American and Latino young men.

METHODOLOGY

The Data

This document was prompted by a recent report of The Sentencing Project, a national non-profit organization that promotes alternatives to incarceration. That document examined the national statistics for 20-29 year old males under criminal justice custody.

The Correctional Association of New York and the New York State Coalition for Criminal Justice joined forces to consider the New York State data on the same age groups. Specifically our report looks at:

- the numbers imprisoned in New York State's prison system (March 13, 1990);
- the numbers locked up in New York City jails and in county jails throughout the State (New York City jails - March 13, 1990 and county jails - March 28, 1990);
- the numbers on probation for felonies and misdemeanors across the State (January 1, 1990);
- the numbers on parole in the State (March 1990);
- the numbers in the State's total population (March 1988 - latest date figures are available); and
- the numbers enrolled in New York colleges (fall, 1988 - latest date figures are available).

The charts that follow present in full the statistics we uncovered and their sources.

The Sources

The general population data for this report comes from the latest published estimates of the New York State Department of Economic Development. The data on college enrollment is the latest published by the State Education Department. For the criminal justice information, we requested the data on age and race from each State criminal justice agency, namely the Department of Correctional Services (DOCS) for the state prison population; the New York City Department of Correction (NYCDOC) for the New York City jail population; the Commission of Correction (COC) for county jails in the rest of the State; the Department of Probation and Correctional Alternatives (DPCA) for probation caseloads; and the Division of Parole for the parole caseloads.

In most instances the data was readily available and the numbers listed in the accompanying charts are the actual figures. The exceptions are these:

- DOCS - The numbers for 20 year old male inmates is figured in this report as 1/2 of the numbers of 19-20 year old male inmates within the state prison system. Data for the 21-29 year old population is as given by the Department.

- COC - The Commission of Correction maintains a daily count of county jail populations throughout the State. However, race and age statistics are only kept as part of the annual report of admissions to county jails. Based on the figures from the latest Annual Report (1988) and contacts with some of the major county jails, we conservatively estimated the percentages of this year's March 28th population. New York City data is as reported by NYCDOC.

- Parole - The Division was able to give us the total number of male and female parolees by race within the 20-29 year old age grouping. The Division also told

us that males are 94% of the caseload which was the figure we used in our estimations.

Sources providing statistics used in this report other than those cited above include the Community Service Society, the Citizens Budget Commission, and the Citizens Crime Commission, private organizations located in New York City, the Federal Bureau of Labor Statistics and New York State's Division of Criminal Justice Services.

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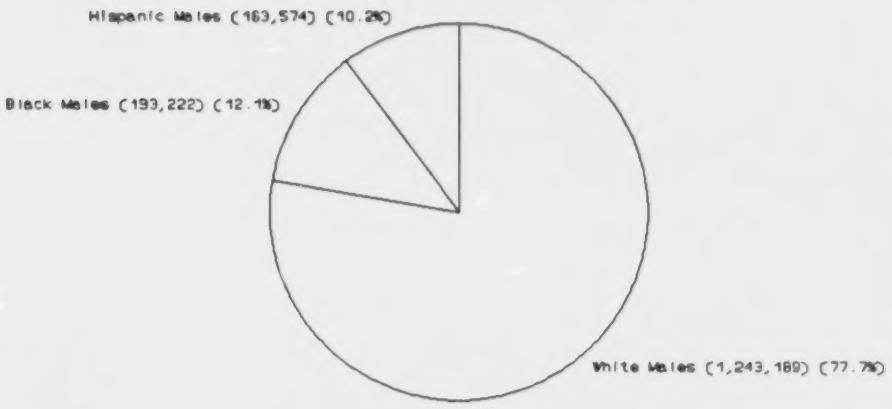
XIV. Total Under Criminal Justice Custody - Males, Ages 20-29 (as % of population)

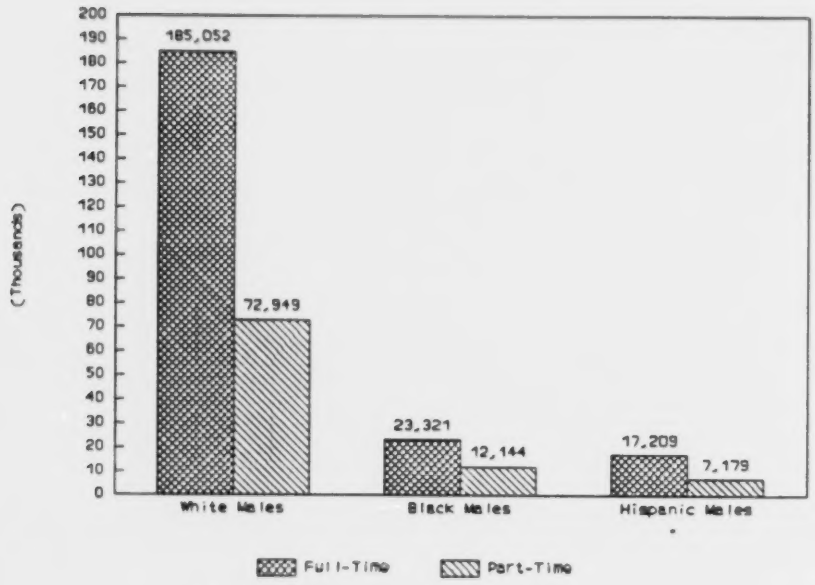
20-29 Year Old Male Population In New York

Total Population = 1,599,985



Source: Tabulations from the Current Population Survey for New York State, (New York State Department of Economic Development: March 1988)

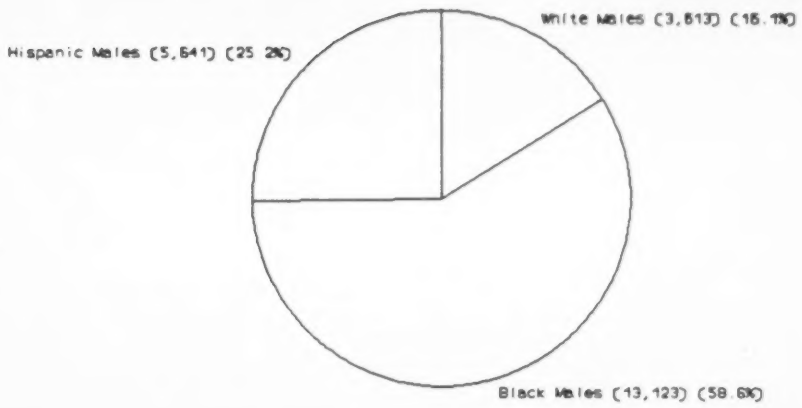
College Enrollment by Race & Ethnicity - All Ages



Source: College and University Racial/Ethnic Distribution of Enrollment, (The University of the State of New York; the State Education Department: Fall, 1988)

20-29 Year Old Males in New York State Prisons

Total Population = 22,377



Source: New York State Department of Correctional Services.

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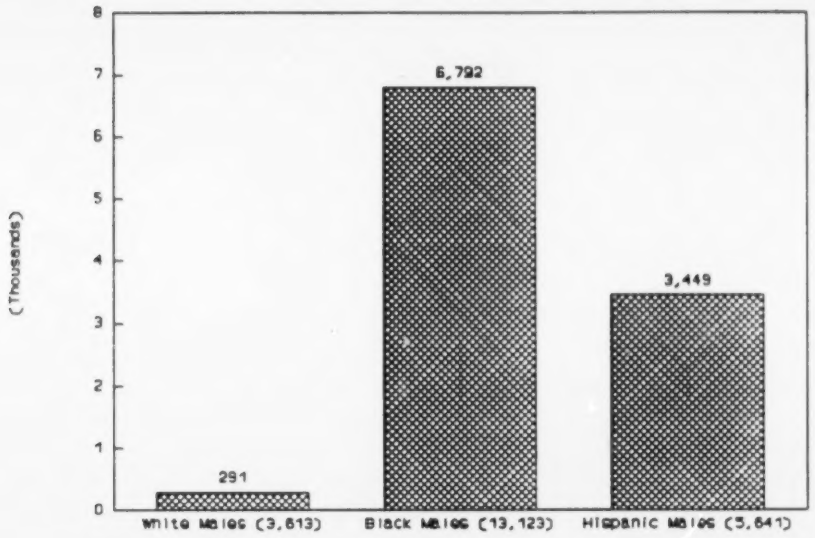
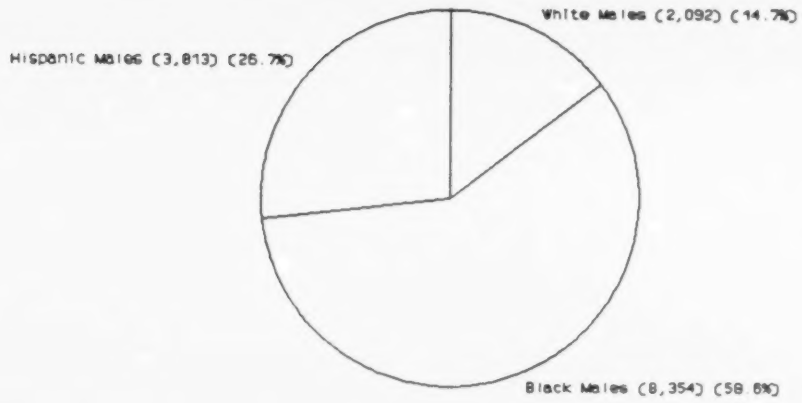
20-29 Year Old Males in New York State Prisons
(Per 100,000 in General Population)



Sources: New York State Department of Correctional Services and New York State Department of Economic Development.

Estimated Population in County Jails for 20-29 Year Old Males

Total Population = 14,259



Sources: New York State Commission of Correction and New York City Department of Correction.

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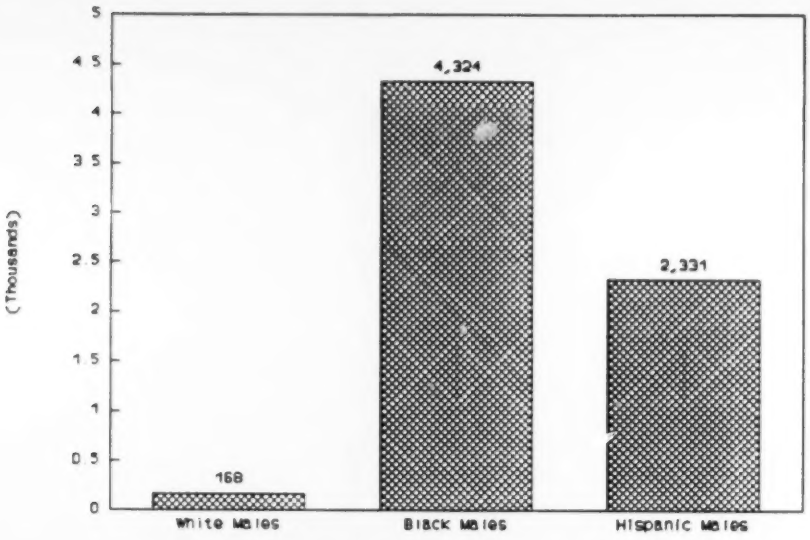
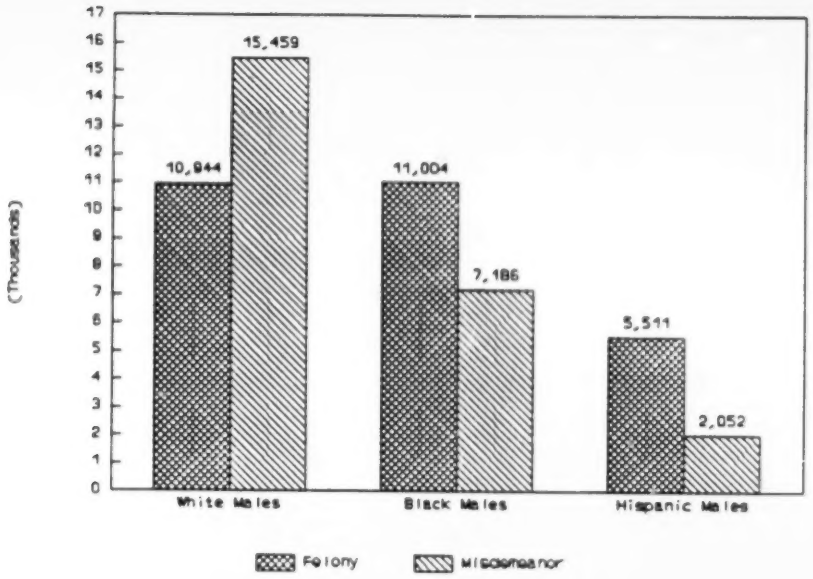
Estimated Population in County Jails for 20-29 Year Old Males

(Per 100,000 in General Population)



Sources: New York State Commission of Correction and New York State Department of Economic Development.

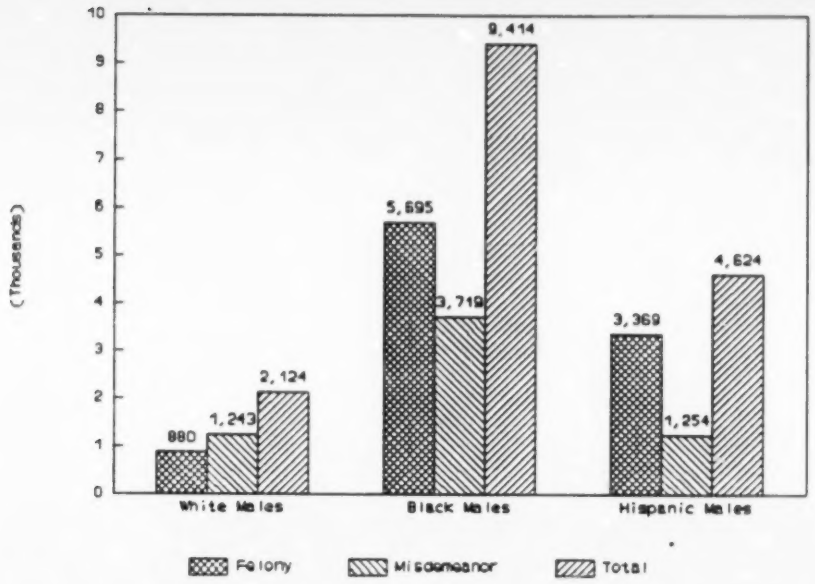
Probation Caseloads for Males, Ages 20-29



Source: New York State Department of Probation and Correctional Alternatives.

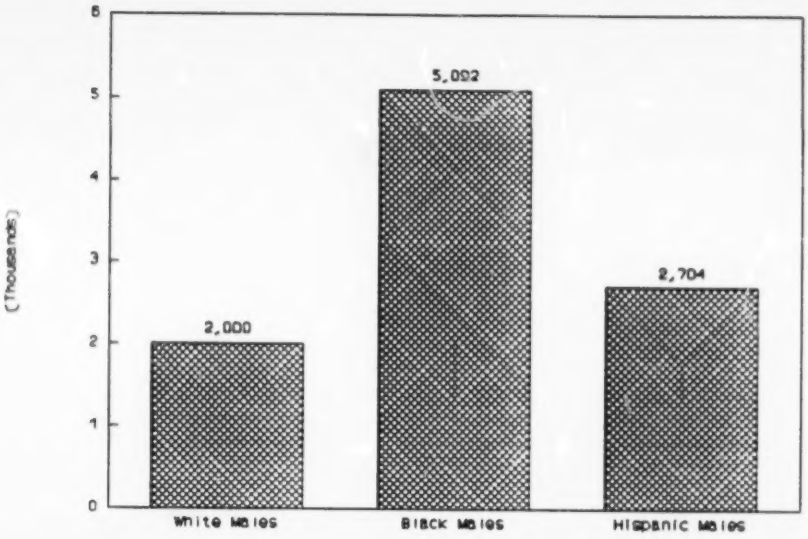
Probation Caseloads for Males, Ages 20-29

(Per 100,000 In General Population)



Sources: New York State Department of Probation and Correctional Alternatives and New York State Department of Economic Development.

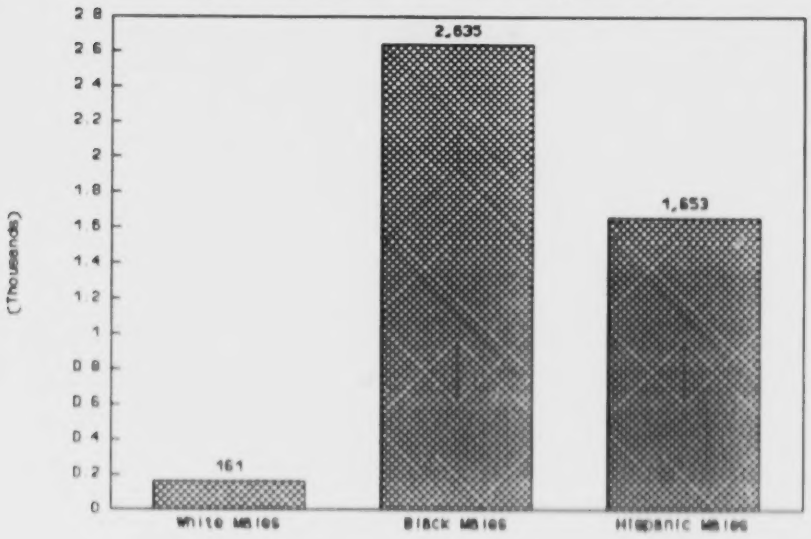
Parole Caseloads for Males, Ages 20-29



Source: New York State Division of Parole.

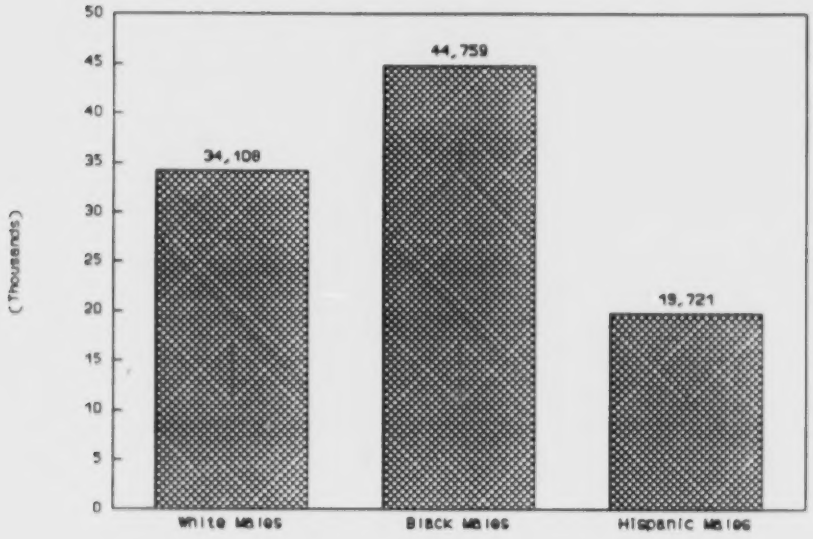
Parole Caseloads for Males, Ages 20-29

(Per 100,000 In General Population)



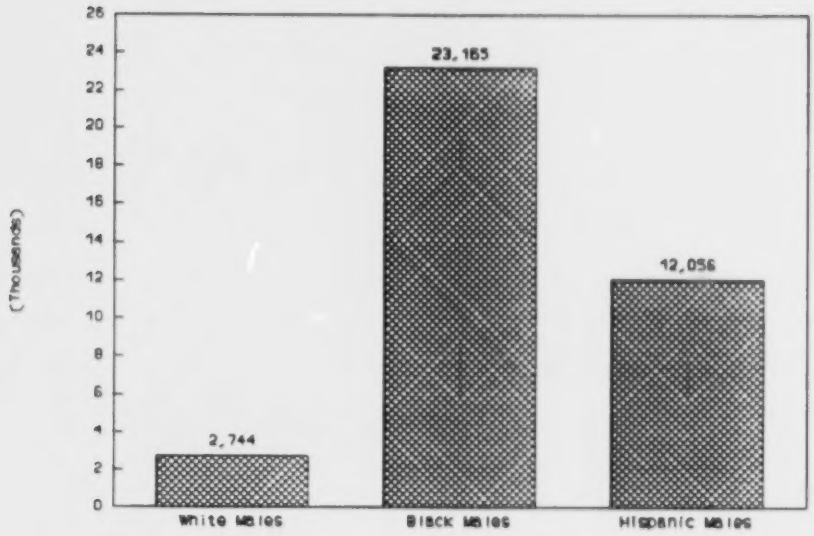
Sources: New York State Division of Parole and New York State Department of Economic Development.

Total Under Criminal Justice Custody
(Jail, Prison, Parole and All Probation)
Males, Ages 20-29



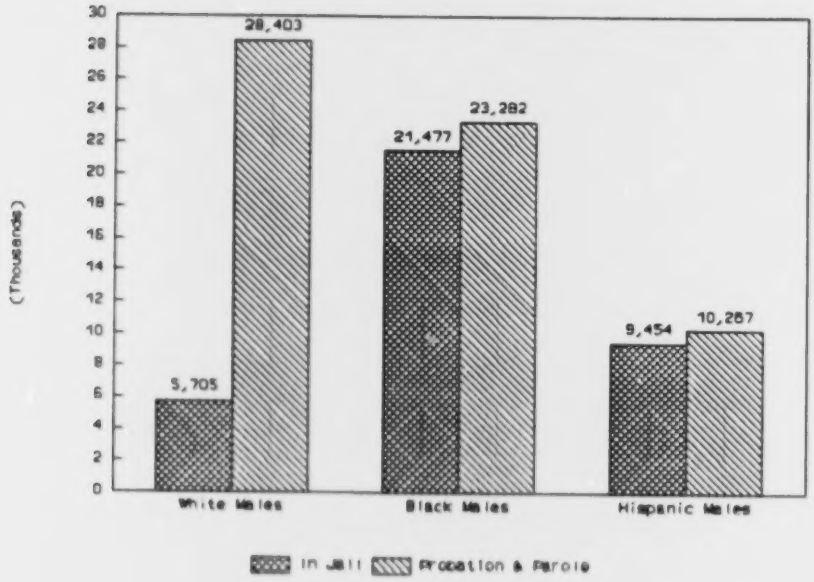
Sources: New York State Department of Correctional Services, New York State Commission of Correction, New York City Department of Correction, New York State Department of Probation and Correctional Alternatives, and New York State Division of Parole.

Total Under Criminal Justice Custody
(Jail, Prison, Parole and All Probation)
Males, Ages 20-29
(Per 100,000 in General Population)



Sources: New York State Department of Correctional Services, New York State Commission of Correction, New York City Department of Correction, New York State Department of Probation and Correctional Alternatives, New York State Division of Parole, and New York State Department of Economic Development.

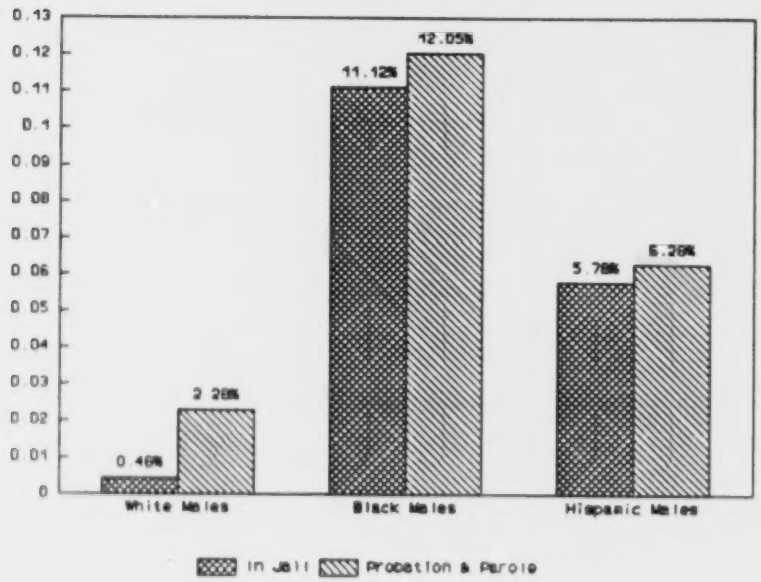
Total Under Criminal Justice Custody
Males, Ages 20-29



Sources: New York State Department of Correctional Services, New York State Commission of Correction, New York City Department of Correction, New York State Department of Probation and Correctional Alternatives, and New York State Division of Parole.

Regarding the above chart, the 'In Jail' boxes cover all young men locked up in local jails and state prison.

Total Under Criminal Justice Custody
Males, Ages 20-29
(as % of population)



Sources: New York State Department of Correctional Services, New York State Commission of Correction, New York City Department of Correction, New York State Department of Probation and Correctional Alternatives, New York State Division of Parole, and New York State Department of Economic Development.

Regarding the above chart, the 'In Jail' boxes cover all young men locked up in local jails and state prison.

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